(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 851 OF 2002

BETWEEN

Dinesh Kumar Dewangan S/o Ishwari Prasad Dewangan, aged about 33 years, occupation Up Sarpanch, Gram Panchayat Bilaigarh, Tahsil & Post Bilaigarh, Resident of Bilaigarh, Tahsil and Post Bilaigarh, District Raipur (CG).

PETITIONER

P.R. No. 86 Pet
Presented by Shri Sameer Bhatt
dated 29.4.02

A N D

1. The State of Chhattisgarh, Through the Secretary Department of Panchayat and Social Welfare, D.K.S.Building, Raipur, Tahsil and District Raipur (CG).

2. The Additional Collector, Baloda Bazar, District Raipur (CG).

3. Sub Divisional Officer (Revenue) cum Prescribed Authority, under Panchayat Raj Adhiniyam, Bilaigarh, District Raipur (CG).

4. Chandra Shekhar Bhatt S/o Shiv Narayan Bhatt, Temporary Sarpanch under Section 38(1)(b) of the Panchayat Raj Adhiniyam, Gram Panchayat Bilaigarh, District Raipur (CG).

5. Gram Panchayat Bilaigarh, Through its Secretary, Gram Panchayat Bilaigarh, Tahsil and Post Bilaigarh, District Raipur (CG).

RESPONDENTS

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29/4/02

शपथ आयुक्त,

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (64)

आदेश पत्रक

मामला क्रमांक W.P No. 851/02 सन् , 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30-9-2002

Shri Prashant Mishra, Advocate for the petitioner.

Shri Ranbir Singh, Govt. Advocate for the State.

Heard learned counsel for the parties.

2. Brief facts of the case are that the election of Gram Panchayat had taken place in February 2000. In the election, one Narsingh Dewangan was elected as Sarpanch. Against him proceedings under Section 40 of the Panchayat Raj Adhiniyam were initiated. However he was removed by motion of No Confidence on 23-8-2001. Thereafter, the respondent No. 4 became officiating Sarpanch. It is alleged that certain irregularities were committed him. It is stated that the Panchayat passed a Resolution against officiating Sarpanch/respondent No. 4. Respondent No. 4 challenged the said resolution dated 13-3-2002 before the Sub Divisional Officer. The sub Divisional Officer granted stay by the order dated 16-3-2002. The petitioner has filed this petition against the said order. It is also contended that on 18-3-2002, 17 panchas appeared before the Sub Divisional Officer and submitted an application Annexure P-6 for impleading them as party. The said application was rejected by order dated 18-4-2002. It is pointed out that the stay order is still operating. Thereafter, the respondent No. 4 himself moved an

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application before the Additional Collector for transfer of the proceedings pending before the Court of Sub Divisional Officer without any rhyme or reason. It is stated that the record has been called for by the Collector.

3. The petitioner in this petition has prayed for quashing the order dated 16-3-2002 passed by Respondent No.3 and further to quash the appellate proceedings pending before the Sub Divisional Officer.

4. The question, which emerges is that when the stay is there in favour of respondent No. 4, he himself has moved the application for transfer of the proceedings. Counsel for the petitioner submits that there does not appear to be any justifiable ground for transfer of the proceedings. Order dated 18-4-2002 goes to show that record has been sent to the Court of Additional Collector, Baloda Bazaar from where it was called for. Counsel for the petitioner submits that the record has been called for because some transfer petition has been filed.

5. Having considered the facts and circumstances of the case and material on record, it is directed that the transfer petition, if any, be decided by the Court concerned as early as possible preferably within a period of 15 days from the date of production/receipt of the copy of this order and

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (66)

आदेश पत्रक

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thereafter the case itself be decided in accordance with law within a period of one month thereafter.

6. It is made clear that there should not be any misuse by the person who is currently holding the charge of Sarpanch.

7. With these observations, this petition is disposed of at this stage.

Sd/-
Fakhruddin
Judge

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